

| DIST/OFFICE | DOCKET | | FILING DATE | | | J | N/S | O | R | R 23 | \$ | DEMAND OTHER | JUDGE | JURY | DOCKET | |
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| | YR. | NUMBER | MO. | DAY | YEAR | | | | | | | | NUMBER | DEM. | YR. | NUMBER |
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PLAINTIFFS

Withington, D. L. - Royalty Owner
 4539 South Lewis
 Tulsa, Oklahoma 74105
 742-7070

DEFENDANTS

Federal Engery Administration
 Benjamin Franklin Post Office Bldg.
 12th & Pennsylvania Avenue, N. W.
 Washington, D. C. 20461

Frank G. Zarb, Administrator of the
 Federal Energy Administration,
 Benjamin Franklin Post Office Bldg.
 12th & Pennsylvania Ave., N. W.
 Washington, D. C. 20461

CAUSE

This is action for declaratory judgment and injunctive relief seeking to enjoin and declare unlawful certain actions of Defendants taken under the Federal Energy Administration covering price regulations under 10 CFR 210.32 (b) rules and regulations Part III.

ATTORNEYS

742-7070
 D. L. Withington, Pro Se
 4539 South Lewis Avenue
 Tulsa, Oklahoma 74105

Robert P. Santee
 Asst. U. S. Atty.

Rex E. Lee, Asst. Atty. Gen.
 Civil Division Linda Pence
 Stanley D. Rose
 Bruce G. Forrest (739-3445)
 Attorneys, Department of Justice
 Washington, D. C. 20530
 (8-739-4781)

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STATISTICAL CARDS

| CARD | DATE MAILED |
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| JS-5 | 9-1-75 |
| JS-6 | 7-1-76 |

| DATE | NR. | PROCEEDINGS |
|----------|-----|--|
| 8-1-75 | 1. | Complaint filed, Summons issued. mm |
| 8-6-75 | | Summons, ret. & filed: Federal Energy Adm. served by mailing 1 cpy to Fed. Energy Adm., Wash. D. C. on 8-5-75 by certified mail. g (USM \$3.00)g |
| 10-6-75 | 2. | Answer of Defendants, filed.k |
| 10-16-75 | MO: | Case set for PT hearing 1-8-76 at 2:15 p.m. (HDC-J)hm |
| 12-24 | 3. | Appl. to Strike PT Setting, filed.jj 0 to J |
| 12-29 | MO: | Ordered that pltf. file a response within 5 days to pltf's applic. to strike PT setting. (HDC-J)hm |
| 12-30 | 4. | Objection to striking pretrial setting, fld. by Pltf. v -cps. mld. |
| 1-5-76 | MO: | Ordered by the Court that deft's applic. to strike PT setting is hereby denied. (HDC-J)hm |
| 1-8 | MO: | Pre-trial hearing held. Statements made. Deft. makes offer of admission of administrative record, and it is filed in open court; pltf. given 10 days to object, if desired. Pltf. makes oral demand for jury and case to be tried to a jury. Deft. to file motion for S/J. Pltf. given 10 days to submit list of factual issues. (HDC-J)hm (Pltf's PT instruction order and defts' proposed PT order, filed in open court.) |
| 1-8 | 5. | Administrative record, filed in open court. hm |
| 1-8 | 6. | Pltf's PT instruction order, filed in open court. hm |
| 1-8 | 7. | Defts' proposed PT order, filed in open court. hm |
| 1-19 | 8. | Pre-Trial order, filed. (HDC-J)ph cps. mld. |
| 4-2 | 9 | Fed. Defts' Mot to dismiss or in the Alternative for summary judg, with Memo of points & authorities in support of Defts' Mot. <u>filed as apart of Mot.t</u> |
| 4-5 | MO | It is ordered by the Court that Pltf. is granted 10 days from this dt. to respond to Defts' Mot. to Dismiss or in the Alternative for S/J.(HDC-J)t cps. mld. |
| 4-12 | 10. | Pltfs. Obj. to the Defts. FEA and Frank G. Zarb Mtn. to Dismiss or in the alt. for S/J with Authorities in Support of Pltfs' Obj. to prevent Defts' Mtn to Dismiss or in the Alt. for S/J, filed.jj |
| 5-6 | 11. | Defts' reply to pltf's opposition to defts' mo/dismiss or in the alternative for S/J, w/leave to file out of time, filed. ph |
| 5-27 | MO: | Ordered by the Court that this case is set for oral argument on Federal Defendants mo/dismiss, or alternatively, for S/J, for June 4, 1976, at 2 p.m. (HDC-J)rm - notices and phoned |
| 6-4 | MO: | Case called for hearing on fed. defts' mo/dismiss or in the altern. motion for S/J. Statements made. Court makes findings and sustains the defts' motion for S/J. Counsel for deft. to prepare formal order and judgment. Pltf. advised of right to appeal. (HDC-J)hm |
| 6-10 | 12. | Order, filed and entered, that defts' motion to dismiss or in the alt. for S/J is granted and judgment is entered in favor of the defts.(HDC-J)ph cps mld |
| 6-21 | 13. | Notice of appeal by pltf. from judg. of 6/10/76, filed. rm (copy to counsel and USCA) |
| 6-21 | | Reporter's partial transcript of oral argu. on mo/dismiss, had on 6/4/76, filed. (T. Bloxom-CR)rm |

CIVIL DOCKET CONTINUATION SHEET

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| PLAINTIFF D. L. Withington | DEFENDANT Federal Energy Administration | DOCKET NO. <u>75-C-345C</u> PAGE ____ OF ____ PAGES |
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| DATE | NR. | PROCEEDINGS |
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| 7-1 | 14. | Bond on appeal, filed. g |
| 7-12 | | Transcript of proceedings had on June 4, 1976, oral arguments on motions, filed. (T. Bloxom-CR) - rm |
| 7-19 | | Appeal record (3 vols) transmitted to USCA.rm |
| 8-27 | 15 | Mandate of USCA dismissing the appeal, filed & spread of record. g |
| 9-10 | | Appeal record (3 vols.) rec'd from USCA. g 76-1612 |
| 9-15 | 16. | Order of disbursal, filed, that Clerk of this Court disburse \$250 to D. L. Withington, the person who posted the cash according to the records of this Court. (HDC-J)ph cps mld |
| 1-24-77 | | Letter received from 10th Circuit, advising that petition for writ of cert. was filed in Supreme Court on 12/22/76 and assigned Case No. 76-957. rm |
| 4-7 | | Letter from 10th Circuit that petition for writ of cert. was denied by Supreme Court on 3/28/77. rm |

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| PLAINTIFF | DEFENDANT | DOCKET NO. _____ |
| | | PAGE ____ OF ____ PAGES |

DEFENDANT

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PROCEEDINGS